

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VINCENT DOAN,	:	
	:	
Petitioner,	:	
v.	:	Case No. 00-CV-727
	:	
HAROLD CARTER, WARDEN,	:	JUDGE BECKWITH
	:	
Respondent.	:	MAGISTRATE JUDGE HOGAN

PETITIONER VINCENT DOAN'S MOTION FOR LEAVE TO FILE A TRAVERSE

Now comes Petitioner Vincent Doan, through counsel, and hereby moves this Court for leave to file a traverse in the above named case. A memorandum in support is attached.

Respectfully submitted,

/s/ Kort Gatterdam
Kort Gatterdam (0040434)
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Counsel for Petitioner

MEMORANDUM IN SUPPORT

A. Introduction

On December 31, 2000, Petitioner, Vincent Doan (hereafter, Doan) filed a petition for writ of habeas with this Court asserting Thirteen grounds for relief. (Docket Entry 1, hereafter, D.E. __) Doan's post conviction claims were hopelessly stalled in state court when Doan filed his habeas petition with this Court. On April 2, 2002, the District Court ruled that Doan had exhausted his state remedies and could proceed directly to the Ohio Courts without further delay by the Ohio Courts. (D.E. 15)

On May 9, 2002, Doan asked for an Order that Respondent be required to file a return of writ. (D.E. 17) The motion was granted and on July 15, 2002, Respondent filed its Return of Writ. (D.E. 22) On August 1, 2002, a scheduling conference was held. On August 5, 2002, this Court issued a scheduling Order setting deadlines for the various proceedings to follow. (D.E. 26)

On September 20, 2002, Doan filed a Motion for Leave to Conduct Discovery. (D.E. 29) On October 3, 2002, Doan filed a Motion for a Complete Record Pursuant to Habeas Rule Five. (D.E. 31) On June 10, 2003, this Court issued an Order denying Doan's Motion for Leave to Conduct Discovery and partially granting Doan's Motion for a Complete Record. (D.E. 48) Doan filed timely objections to this Court's Order. (D.E. 49) On April 28, 2004, the District Court overruled Doan's objections.

Since the Discovery and Rule Five issues are now completed in the District Court, the only matter remaining prior to submission to this Court is for Doan to file a Traverse to Respondent's Return of Writ. Counsel for Doan has contacted Counsel for Respondent who has

no objection to Doan's request for leave to file a Traverse. Due to Counsel's deadlines in other matters and the number of issues which must be briefed in this case, Doan respectfully asks this Court for leave to file his Traverse on or before June 30, 2004. Doan has filed no prior requests for extension of time to file his Traverse and assures this Court that this request is necessary to provide this Court a full and detailed review of the facts and issues pending before the Court.

Respectfully submitted,

/s/ Kort Gatterdam

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Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 19, 2004, he electronically filed the foregoing Motion for Leave to File a Traverse with the Clerk of Court using the CM/ECF system which will send notification of such filing to Stuart Cole, Assistant Attorney General, 150 East Gay St., Columbus, Ohio 43215.

/s/ Kort Gatterdam

Kort Gatterdam